

## REMARKS

Claims 1 through 4, 7 through 12, 15, 16, 25 through 31 are in the application, with Claims 1, 7, 10, 12, 25 and 29 having been amended, and with Claims 5, 6, 13, 14, and 17 through 24 having been cancelled. Claims 1, 25 and 29 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claims 17 and 18 were rejected as allegedly being anticipated by U.S. Patent No. 5,995,368 to Lee et al. ("Lee"). Claims 1, 2, 5, 8, 13, 15, 23, 25-27, and 29-31 were rejected as being unpatentable over Lee in view of U.S. Patent No. 5,168,171 to Tracewell; Claims 19 and 20 were rejected as being unpatentable over Lee in view of U.S. Patent No. 5,077,601 to Hatada et al. ("Hatada"); Claims 21 and 22 were rejected as being unpatentable over Lee in view of U.S. Patent No. 6,283,850 to Toshimitsu et al. ("Toshimitsu"); Claims 3 and 4 were rejected as being unpatentable over Lee in view of Tracewell, and further in view of U.S. Patent No. 6,414,845 to Bonet; Claims 6, 7, and 14 were rejected as being unpatentable over Lee in view of Tracewell, and further in view of Hatada; Claims 9, 11, and 28 were rejected as being unpatentable over Lee in view of Tracewell, and further in view of Toshimitsu; Claims 16 and 24 were rejected as being unpatentable over Lee in view of Tracewell, and further in view of U.S. Patent No. 6,031,719 to Schmitt et al. ("Schmitt"); and Claims 10 and 12 were rejected as being unpatentable over Lee in view of Tracewell, further in view of Toshimitsu, and further in still in view of Bonet. Reconsideration and withdrawal of the rejections are respectfully requested.

### Independent Claims 1, 25 and 29

Amended independent Claim 1 relates to an apparatus that includes a chassis to house a plurality of electronic cards, a backplane housed in the chassis, a fan housed in the chassis, a first portion of the fan being lower than a top edge of the backplane, and an air diverter to divert air toward the first portion of the fan. A second portion of the fan is higher than the top edge of the backplane, and a first portion of the air diverter is higher than the top edge of the backplane.

The art of record is not seen to disclose or to suggest the foregoing features of amended independent Claim 1. More specifically, the art of record is not seen to disclose or to suggest a backplane, a fan, and an air diverter housed in a chassis such that a first portion of the fan is lower than a top edge of the backplane, a first portion of the air diverter is higher than the top

edge of the backplane, and wherein the air diverter is to divert air toward the first portion of the fan.

The outstanding Office Action indicates that Hatada describes “a plurality of air diverters (24, 33) located at various positions within a chassis”. The Office Action then alleges that Lee in view of Hatada suggests “an air diverter located such that a first portion of the air diverter is higher than a top edge of the backplane”. Applicants respectfully submit that Hatada’s description of various air diverter positions cannot be seen to suggest the particular air diverter position recited in amended Claim 1.

The Office Action alleges that one would be motivated to modify Lee as claimed because “the device of Hatada would provide diverse streams of airflow to cool the chassis of Lee.” Applicants contend that such Hatada’s alleged ability to provide diverse streams may motivate one to add an air diverter to the chassis of Lee, but cannot be seen to suggest the specific position of the air diverter recited in Claim 1. Such reasoning would render any claimed position of the air diverter obvious, and therefore cannot be permissible.

The cited references, taken alone or in any permissible combination, are therefore not believed to suggest a backplane, a fan, and an air diverter housed in a chassis such that a first portion of the fan is lower than a top edge of the backplane, a first portion of the air diverter is higher than the top edge of the backplane, and wherein the air diverter is to divert air toward the first portion of the fan.

Amended independent Claims 25 and 29 relate to systems including, among other features, a backplane, a fan, and an air diverter housed in a chassis such that a first portion of the fan is lower than a top edge of the backplane, a first portion of the air diverter is higher than the top edge of the backplane, and wherein the air diverter is to divert air toward the first portion of the fan. Claims 25 and 29 are therefore believed to be allowable for at least the reasons given above with respect to Claim 1.

## CONCLUSION

The outstanding Office Action presents a number of characterizations regarding each of the applied references, some of which are not directly addressed herein because they are not related to the rejections of the independent claims. Applicants do not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned via telephone at (203) 972-0049.

Respectfully submitted,

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Date



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